

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Houben, C.H.W.F.
EXTER POLAK & CHARLOUIS B.V.
P.O. Box 3241
NL-2280 GE Rijswijk
PAYS-BAS

Terminal CH2	2012-2004-20
Page: 16	2004
GPO Box 300	

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

14.09.2004

Applicant's or agent's file reference
P26776PC00/CHO

IMPORTANT NOTIFICATION

International application No.
PCT/NL.03/00453

International filing date (day/month/year)
20.06.2003

Priority date (day/month/year)
20.06.2002

Applicant
DREMEFA B.V. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the International
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Häyrinen, N

Tel. +49 89 2399-5970



PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P26776PC00/CHO	FOR FURTHER ACTION <small>See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)</small>	
International application No. PCT/NL 03/00453	International filing date (day/month/year) 20.06.2003	Priority date (day/month/year) 20.06.2002
<p>International Patent Classification (IPC) or both national classification and IPC B60N2/28</p>		
<p>Applicant DREMEFA B.V. et al.</p>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 28.10.2003	Date of completion of this report 14.09.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	<p>Authorized Officer Pétiaud, A Telephone No. +49 89 2399-6088</p>	



INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

International application No. PCT/NL 03/00453

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

2-9 received on 16.07.2004 with letter of 16.07.2004
1 filed with telefax on 03.08.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00453**

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-9
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-9
Industrial applicability (IA)	Yes:	Claims	1-9
	No:	Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00453

A. Inventive step

1. Claim 1

1.1 Prior art

Document EP0751033 (D1), which is considered to represent the most relevant state of the art, discloses (cf. figures 1 and 2) a child seat from which the subject-matter of claim 1 differs in that the backrest is not adjustable in height relative to the seat part, the headrest and the backrest are not linked by a gear rack construction, and the height of the headrest and of the backrest are not linked.

1.2 Problem

The problem to be solved by the present invention may therefore be regarded as adapting the geometry of the seat to the morphology of a growing child. Indeed, as the child grows up, not only the height of its head increases, but also the shape of his back. There is thus a need for a further adaptation of the child seat.

1.3 Solution

It is known from document DE 199 25 306 (D2) that there must be a correlation between the height adjustment of the backrest of a vehicle seat, and the height adjustment of its headrest in order to offer an ergonomically improved vehicle seat. The solution proposed in D2 (a gear rack construction between the headrest and the backrest) provokes a height adjustment of the headrest which is double of that of the backrest.

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concerns*

It is to be noted that the adjustment of the headrest disclosed in D1 is obtained by pulling it up or pushing it down. Although the mechanism disclosed in D2 is meant to be activated by a knob for ease of use, pulling the headrest up or pushing it down would achieve the same result, though with more efforts.

The skilled person would regard it as a normal option to include this feature in the vehicle child seat described in document D1 in order to solve the problem posed.

The solution proposed in claim 1 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

2. Claim 2

Similarly, the subject-matter of claim 2 does not involve an inventive step in the sense of Article 33(3) PCT (see above).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00453

3. Claim 3

It is commonly known to provide an adjustment of a vehicle seat with locking means for obvious safety reasons. Claim 3 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

4. Claim 4

It is also commonly known to provide an adjustment with a handgrip to make the adjustment easier. Claim 4 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

5. Claim 5

Claim 5 of the present application can similarly not be considered as involving an inventive step (Article 33(3) PCT).

6. Claim 6

It is commonly known to have the seat part of a (child) vehicle seat to be adjustable (mostly in height, inclination or length). Claim 6 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

7. Claim 7

The child seat disclosed in D1 includes a belt guide on the headrest. Claim 7 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

8. Claim 8

It is commonly known to include a belt-guide on the backrest of a vehicle child seat (see for instance US 6,079,780, fig.1). Claim 8 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

9. Claim 9

It is commonly known to include a belt-guide on the seat portion of a vehicle child seat (see for instance US 31,36,579 fig.1). Claim 9 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

C. Description of the prior art

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00453

10. A document reflecting the prior art described on page 1, is not identified in the description (Rule 5.1(a)(ii) PCT). The applicant is thus required to include document D1 in the description.

11. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D2 is not mentioned in the description, nor is this document identified therein. The applicant is thus required to include D2 and its contents in the description.